

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

24 June 2013

### ALB104457.E

Albania: Situation and treatment of sexual minorities, including legislation, state protection and support services (2011-June 2013)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Treatment of Sexual Minorities by Society

Sources state that Albanian society is homophobic (AFP 17 May 2012; Pink News 10 May 2013). The US Department of State's *Country Reports on Human Rights Practices for 2012* also reports that "homophobic attitudes" continue to be present in Albania (US 19 Apr. 2013, 25). Sources note that sexual minorities hide their sexual orientation because they fear for their "safety" (BIRN 9 Nov. 2012; New Europe 4 July 2012). Media sources indicate that, according to the 2013 European Social Survey (ESS), 53 percent of Albanians responded that they "believed that 'gays and lesbians should not be free to live life as they wish'" (Pink News 10 May 2013; BIRN 25 Mar. 2013).

Sources report that sexual minorities in Albania face "discrimination" (EU 10 Oct. 2012, 20; US 19 Apr. 2013, 1; Civil Rights Defenders 1 Oct. 2012). The European Commission's *Albania 2012 Progress Report* indicates that sexual minorities, especially transgender persons, experience difficulty in accessing social and health services (EU 10 Oct. 2012, 20).

#### 2. Treatment of Sexual Minorities by Authorities

*Country Reports for 2012* states that

[t]he government reiterated its support for the LGBT community, and Prime Minister Berisha stated that LGBT activists would be permitted to organize a public demonstration according to their legal rights. The state police coordinated with LGBT organizations and provided effective security for several LGBT-related events during the year. (US 19 Apr. 2013, 26)

In May 2012, civil society organized a diversity festival to mark the international day against homophobia and transphobia (EU 10 Oct. 2012, 20; AFP 17 May 2012). Agence France-Presse (AFP) reports that the event took place in Tirana, where activists distributed leaflets in order to raise awareness on LGBT rights (ibid.). According to the European Commission, state authorities were present at the festival (EU 10 Oct. 2012). AFP also indicates that some politicians joined the event to show their support (AFP 17 May 2012). However, the European Commission's report notes that

[i]n the run-up to this event, derogatory homophobic statements were made by a member of government and a political party representative. The Prime Minister denounced these statements, and the Commissioner for Protection from Discrimination investigated the cases and issued recommendations. (EU 10 Oct. 2012, 20)

In May 2012, LGBT activists organized a ["pride-related" (US 19 Apr. 2013, 26)] bicycle ride in Tirana (Reuters 14 May 2012; US 19 Apr. 2013, 26). A group of youth threw smoke bombs (ibid.; Reuters 14 May 2012) and firecrackers at the group of riders (US 19 Apr. 2013, 26). *Country Reports for 2012* indicates that police arrested the suspects, but that "no charges were filed, and they were released shortly after the incident" (ibid.).

In 2012, the Deputy Defence Minister responded to plans for a gay parade in Tirana by saying that the organizers "should be beaten with clubs" (BIRN 10 May 2013; Pink News 10 May 2013; US 19 Apr. 2013, 25). The Prime Minister denounced his remarks as "unacceptable" (SGN 10 May 2013; AP 26 Mar. 2012). *Country Reports for 2012* writes that, although civil society and many citizens criticized the remarks, some political leaders and religious organizations supported the minister's comments (US 19 Apr. 2013, 25). The report further states that a few days after the incident, a member of the Deputy Defence Minister's party told an openly gay activist, "If you were my son, I would put a bullet in your head" (ibid., 26).

Sources report that a similar incident occurred in March 2013, and Albania's anti-discrimination commissioner accused the Deputy Defence Minister and a Socialist Party official of using discriminatory language against LGBT persons

(BIRN 10 May 2013; Pink News 10 May 2013). The Deputy Defence Minister and the Socialist Party official were given 15 days to issue a public apology or face fines based on the anti-discrimination law (BIRN 10 May 2013). Further information on the incident could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

*Country Reports for 2011* reports incidents of police harassment of LGBT (US 24 May 2012, 19). Several sources indicate that in 2011, the police used violence against transgender people (ibid.; Pink Embassy 15 Aug. 2011; ILGA May 2012, 31). For instance, two LGBT organizations indicate that in August 2011, a transgender person was assaulted by police officers who were investigating a theft in a park (Pink Embassy 15 Aug. 2011; ILGA May 2012, 31). According to both sources, the transgender person intervened when police attempted to arrest an individual in the course of the investigation (ibid.; Pink Embassy 15 Aug. 2011). The transgender person was detained and reportedly beaten while in police custody (ibid.; ILGA May 2012, 31). The victim was taken to the hospital and thereafter taken back to the police station (ibid.; Pink Embassy 15 Aug. 2011). According to both sources, the victim was not offered legal representation and, while not being able to read or write, was requested to sign several documents (ibid.; ILGA May 2012, 31). Further information on the incident could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) reports that in October 2011, a gay couple from Tirana was "ridiculed" and "insulted" by police officers when they tried to report an attack on them by the brother of one of the victims (ILGA May 2012, 31). ILGA indicates that the victims were detained for 10 hours and no statements were recorded (ibid.). According to the report, they filed a complaint with the Commissioner for Protection Against Discrimination (ibid.). Further information on the incident could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 3. Legislation

Same-sex sexual activities were decriminalized in 1995 in Albania (SGN 10 May 2013; ILGA May 2013, 20-21).

In 2010, Albania passed a law against discrimination which

[...] regulates the implementation of and respect for the principle of equality in connection with gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, education or social situation, pregnancy, parentage, parental responsibility, age, family or marital condition, civil status, residence, health status, genetic predispositions, restricted ability, affiliation with a particular group or for any other reason. (Albania 2010, Art. 1)

According to *Country Reports for 2012*, as of April 2012, "no official claims of discrimination have been filed, and the government has not had an opportunity to enforce the law [against discrimination]" (US 19 Apr. 2013, 25). Civil Rights Defenders, a Stockholm-based non-profit human rights organization (Civil Rights Defenders n.d.), indicates that "[a]lthough Albania has a legal framework for the promotion and protection of human rights, there is a problem with weak implementation of the laws and inadequate functioning of the human rights protection mechanisms" (ibid. 1 Oct. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The European Commission's report indicates that the Office of the Commissioner for Protection from Discrimination launched a plan for 2012-2015 that focuses on raising awareness of the law on protection from discrimination (EU 10 Oct. 2012, 54-55). The report indicates that "[a]n inter-ministerial working group, with civil society participation, has drafted a plan of measures for non-discrimination on the basis of sexual orientation and gender identity" for the 2012-2014 period (ibid., 20). According to the report, NGOs held a training course on LGBT rights for the public administration (ibid.). However, the report also notes that discrimination against LGBT people and other vulnerable groups "persists" (ibid., 55). Moreover, Albania does not publish data on hate crimes and hate-related incidents (ibid.).

Amendments to the criminal code to include LGBT protection against hate crimes were adopted in May 2013 (Gay Star News 5 May 2013; Pink Embassy 13 May 2013; SGN 10 May 2013). Section 50j) of the criminal code states that there are aggravating circumstances when the crime is committed by motives related to gender identity or sexual orientation, among others (Gay Star News 5 May 2013; Pink Embassy 13 May 2013). Distribution of homophobic material is also punishable by a fine and/or imprisonment for up to two years (ibid.; SGN 10 May 2013; Gay Star News 5 May 2013).

### 4. Support Services

According to its website, the Pink Embassy advocates for LGBT rights in Albania and organizes social events, discussion groups and other activities that "empower [the LGBT] community to become spokespersons and defenders of their own rights" (Pink Embassy n.d.). In January 2012, the Pink Embassy opened a shelter for LGBT community (ibid. 16 Jan. 2012). According to the organization, it is the first emergency shelter for LGBT persons in Albania (ibid.).

Aleanca LGBT is an Albanian NGO that advocates for LGBT community by raising awareness, lobbying and organizing meetings and public lectures, among others (Aleanca LGBT n.d.). Aleanca LGBT has been created in 2009 by a group of LGBT people who work as volunteers (ibid.).

Further information on support services for sexual minorities could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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### Additional Sources Consulted

**Oral sources:** Attempts to contact the following persons and organizations were unsuccessful: Albanian Human Rights Group; Aleanca LGBT; lawyers in Albania; LGBT activist, US Embassy Speakers Bureau Program; Pink Embassy.

**Internet sites, including:** AIDS Action Europe; Amnesty International; British Broadcasting Corporation; Council of Europe; ecoinet.net; EDGE; Euronews; Europa Press; European Social Survey; European Union – European Parliament, EUR-lex; Factiva; *Forced Migration Review*; Freedom House; *Huffington Post*; Human Rights Watch; International Federation for Human Rights; Legislationline; Reporters without Borders; United Nations – Office of the High Commissioner for Human Rights, Refworld.

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